

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

MARTHA P. CARBONARO and JAMESON D. STORM, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

ALLURA USA LLC, PLYCEM USA LLC D/B/A ALLURA, PLYCEM USA, INC., ELEMENTIA USA, INC., ELEMENTIA, S.A. DE C.V.,

Defendants.

Case No.: 3:19-cv-29

**CONSENT MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE
RESPOND TO DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs Martha Carbonaro and Jameson Storm, and all similarly situated persons, by and through their undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move for an extension of time within which to respond to Plycem USA LLC, Elementia USA, Inc., and Elementia S.A.B. de C.V. ("Defendants") Motions to Dismiss (Documents No. 14, and 17) and Defendants' Request For Preliminary Hearing On Motion To Dismiss In Favor Of Arbitration (Document No. 16). In support of this motion, Plaintiffs show the Court as follows:

1. Plaintiffs filed their complaint on January 18, 2019 in U.S.D.C. for the Western District of N.C.
2. On March 15, 2019, the Defendants filed Documents No. 11-20, including (Document No. 14) Defendants' Motion To Dismiss In Favor Of Arbitration.

3. On March 15, 2019, the Defendants filed Documents No. 11-20, including (Document No. 16) Defendants' Request For Preliminary Hearing On Motion To Dismiss In Favor Of Arbitration.

4. On March 15, 2019, the Defendants filed Documents No. 11-20, including (Document No. 17) Defendants' Motion To Dismiss The Complaint For Failure To State A Claim.

5. Also, on March 15, 2019, the Defendants filed Documents No. 11-20, including (Document No. 19) Defendants' Answer And Affirmative Defenses To Plaintiffs' Class Action Complaint.

6. The deadline for Plaintiffs to file their opposition to (Document No. 14) Defendants' Motion To Dismiss In Favor Of Arbitration is March 29, 2019, thus the time for Plaintiffs to respond has not expired.

7. The deadline for Plaintiffs to file their opposition to (Document No. 16) Defendants' Request For Preliminary Hearing On Motion To Dismiss In Favor Of Arbitration is March 29, 2019; thus, the time for Plaintiffs to respond has not expired.

8. The deadline for Plaintiffs to file their opposition to (Document No. 17) Defendants' Motion To Dismiss The Complaint For Failure To State A Claim is March 29, 2019; thus, the time for Plaintiffs to respond has not expired.

9. Plaintiffs require additional time to properly respond to Defendants' Motion To Dismiss In Favor Of Arbitration (Document No. 14), and Defendants' Request For Preliminary Hearing On Motion To Dismiss In Favor Of Arbitration (Document No. 16) and Defendants' Motion To Dismiss The Complaint For Failure To State A Claim (Document No. 17)

10. Plaintiffs request they have until April 26, 2019 to file and serve their oppositions to these pending motions.

11. Plaintiffs have conferred with Defendants' counsel who consents to this Motion for Extension of Time to file replies to Motions to Dismiss.

WHEREFORE the Parties respectfully request an extension of time for Plaintiffs to file a memorandum in opposition to Defendants' pending motions through April 26, 2019.

Respectfully submitted, this the 26th day of March, 2019.

/s/Scott C. Harris

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Consent Motion For Extension Of Time To Answer Or Otherwise Respond To Defendants' Motions To Dismiss was this day served by filing the document electronically via the CM/ECF system to the following counsel of record:

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This the 26th day of March, 2019.

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